

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

DANYELLE ADKINS,

Case No. 5:15-cv-2475

Plaintiff,

v.

COMPLAINT

DISCOVER FINANCIAL  
SERVICES, INC.,

Defendant.

DANYELLE ADKINS (“Plaintiff”), through attorneys, alleges the following against  
DISCOVER FINANCIAL SERVICES, INC., (“Defendant”):

**INTRODUCTION**

1. Count I of Plaintiff’s Complaint alleges that Defendant negligently, knowingly and/or willfully violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (TCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 28 U.S.C. 1331.
3. Because Defendant conducts business in the State of Louisiana, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

### **PARTIES**

5. Plaintiff is a natural person who resides in Haughton, Louisiana.
6. Defendant is a business entity with its principal place of business in Riverwoods, Illinois.
7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

8. Defendant places collection calls to Plaintiff seeking and attempting to collect an alleged debt.
9. Defendant places collection calls to Plaintiff's cellular telephone at phone number (318) 949-40XX.
10. Defendant places collection calls to Plaintiff from phone numbers including, but not limited to, 801-902-7000 and 877-321-5017.
11. Based upon the timing and frequency of Defendant's calls and per its prior business practices, Defendant's calls were placed with an automated dialing system ("auto-dialer").
12. On April 10, 2014 at 9:30 a.m., Plaintiff spoke to Defendant's representative, "Maria."
13. In the course of the telephone conversation on or around April 10, 2015, Plaintiff requested that Defendant cease placing calls to her cellular phone.
14. Plaintiff never consented, explicitly or implicitly, to receive automated collection calls from Defendant.
15. Even if any such consent was given, Plaintiff revoked any consent to receive telephone calls from Defendant in the course of the telephone conversation on or around April 10, 2014.
16. Despite Plaintiff's request to cease, Defendant placed at least seventy-two (72) automated collection calls to Plaintiff without prior express consent to do so.

**COUNT I**  
**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

17. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

18. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

19. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

20. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

21. All court costs, witness fees and other fees incurred; and

22. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, DANYELLE ADKINS, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

Dated: October 2, 2015

By: /s/ Avery Lea Griffin  
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